

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Albert S. Kelly,

Petitioner,

v.

Warden Kirkland Correctional Institution,

Respondent.

C/A No. 4:15-cv-1518-TLW-TER

**ORDER**

Petitioner, appearing *pro se*, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1.) The matter was referred to Magistrate Judge Thomas E. Rogers III, and now comes before this Court for review of his Report and Recommendation (“R&R”; ECF No. 38) on a motion entitled “Motion to Rule on Behalf of Petitioner for States failure to Prosecute” (ECF No. 32). In the R&R, the Magistrate Judge treats this filing as a motion for default judgment, and he recommends that the Court deny the motion. Objections to the R&R were due by October 1, 2015, and Plaintiff filed no objection.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge’s R&R to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that R&R. 28 U.S.C. § 636. In the absence of objections to the R&R, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

This Court carefully reviewed the R&R and the record in this case and, noting that there was no objection by Plaintiff, the R&R is hereby **ACCEPTED**. For the reasons articulated by the Magistrate Judge in the R&R, Petitioner’s “Motion to Rule on Behalf of Petitioner for States failure to Prosecute” (ECF No. 32) is hereby **DENIED**.

**IT IS SO ORDERED.**

December 21, 2015  
Columbia, South Carolina

s/Terry L. Wooten  
Chief United States District Judge